

House Bill 516 (AS PASSED HOUSE AND SENATE)

By: Representatives Roberts of the 154<sup>th</sup>, England of the 108<sup>th</sup>, Burns of the 157<sup>th</sup>, Willard of the 49<sup>th</sup>, Sims of the 119<sup>th</sup>, and others

A BILL TO BE ENTITLED  
AN ACT

To amend Article 2 of Chapter 2 of Title 8 of the Official Code of Georgia Annotated, relating to factory built buildings and dwelling units, so as to provide definitions; to provide that industrialized buildings shall be deemed to comply with state minimum standards codes and local ordinances and regulations applicable to such buildings; to provide for residential industrialized buildings to be placed in residential districts; to recognize county and municipal authority over certain matters; to provide for related matters; to provide for an effective date; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

**SECTION 1.**

Article 2 of Chapter 2 of Title 8 of the Official Code of Georgia Annotated, relating to factory built buildings and dwelling units, is amended by revising paragraph (3) of Code Section 8-2-111, relating to definitions related to factory built buildings and dwelling units designed to be affixed to foundations or existing buildings, as follows:

"(3) 'Industrialized building' means any structure or component thereof which is designed and constructed in compliance with the state minimum standards codes and is wholly or in substantial part made, fabricated, formed, or assembled in manufacturing facilities for installation or assembly and installation on a building site and has been manufactured in such a manner that all parts or processes cannot be inspected at the installation site without disassembly, damage to, or destruction thereof."

**SECTION 2.**

Said article is further amended in Code Section 8-2-111, relating to definitions related to factory built buildings and dwelling units designed to be affixed to foundations or existing buildings, by adding a new paragraph to read as follows:

"(6.1) 'Residential industrialized building' means any dwelling unit designed and constructed in compliance with the Georgia State Minimum Standard One and Two Family

Dwelling Code which is wholly or in substantial part, made, fabricated, formed, or assembled in a manufacturing facility and cannot be inspected at the installation site without disassembly, damage to, or destruction thereof. Any such structure shall not contain a permanent metal chassis and shall be affixed to a permanent load-bearing foundation. The term shall not include manufactured homes as defined by the National Manufactured Housing Construction and Safety Standards Act of 1974, 42 U.S.C. Section 5401, et seq."

### SECTION 3.

Said article is further amended by revising Code Section 8-2-112, relating to inspection and approval of industrialized buildings by the commissioner or local government, as follows:  
"8-2-112.

(a)(1) An industrialized building manufactured after the effective date of the rules adopted pursuant to Code Section 8-2-113 which is sold, offered for sale, or installed within this state must bear the insignia of approval issued by the commissioner.

(2) This Code section shall not apply to industrialized buildings which are inspected and approved by a local government which has jurisdiction at the site of installation and which are inspected at the place of and during the time of manufacture in accordance with standards established by the commissioner. The cost of the inspection shall be borne by the manufacturer. The commissioner shall be notified of the installation of all such buildings in a manner as the commissioner shall prescribe by rule.

(b)(1) All industrialized buildings and residential industrialized buildings bearing an insignia of approval issued by the commissioner pursuant to this part shall be ~~held~~ deemed to comply with the ~~requirements of all~~ state minimum standards codes and all ordinances ~~or~~ and regulations enacted by any local government which are applicable to the manufacture or installation of such buildings. The determination by the commissioner of the scope of such approval is final. No ordinance or regulation enacted by a county or municipality shall exclude residential industrialized buildings from being sited in such county or municipality in a residential district solely because the building is a residential industrialized building.

(2) Areas of county and municipal authority including, but not limited to, local land use and zoning, building setback, side and rear yard requirements, utility connections, and subdivision regulation, as well as the regulation of architectural and esthetic requirements, are specifically and entirely reserved to the county, if in the unincorporated area, or the municipality where the industrialized building or residential industrialized building is sited.

61     ~~(2)~~(3) No industrialized building or component bearing an insignia of approval issued  
62     by the commissioner pursuant to this part shall be in any way modified prior to or during  
63     installation unless approval is first obtained from the commissioner.

64     ~~(3)~~(4) Industrialized buildings which have been inspected and approved by a local  
65     government agency shall not be modified prior to or during installation unless approval  
66     for the modification is first obtained from the local government agency.

67     (c) The commissioner by rule shall establish a schedule of fees to pay the costs incurred  
68     for the work related to administration and enforcement of this Code section.

69     (d) All rules and regulations promulgated by the commissioner under this part shall be  
70     adopted pursuant to Chapter 13 of Title 50, the 'Georgia Administrative Procedure Act.'

71   **SECTION 4.**

72     This Act shall become effective upon its approval by the Governor or upon its becoming law  
73     without such approval.

74   **SECTION 5.**

75     All laws and parts of laws in conflict with this Act are repealed.